
STATUTORY INSTRUMENTS

1998 No. 1731

The Environmental Assessment (Forestry) Regulations 1998

Penalties for non-compliance with enforcement notices

18.—(1) Any person who carries out work in relation to a relevant project in contravention of a requirement to discontinue that work in an enforcement notice served on him in accordance with regulation 16 shall be guilty of an offence and liable –

- (a) on summary conviction to a fine not exceeding the statutory maximum, or
- (b) on conviction on indictment to a fine.

(2) Any person on whom an enforcement notice has been served in accordance with regulation 16 who fails, within the period specified in the enforcement notice, to carry out any measure, other than discontinuance of the relevant project, required by the enforcement notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Where an offence under paragraph (1) or (2) above which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –

- (a) any director, manager, secretary or other similar officer of the body corporate; or
- (b) any person who was purporting to act in any such capacity,

he as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under these Regulations is committed in Scotland by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(5) Summary proceedings in Scotland for an offence under paragraph (1) or (2) above may be commenced within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to justify proceedings comes to his knowledge, and in any case within five years from the commission of the offence, and proceedings shall be deemed to be commenced on the date on which a warrant to apprehend or to cite the accused is granted, if such a warrant is executed without undue delay.

(6) A certificate purporting to be signed for the purpose of paragraph (5) above, by the prosecutor, shall be conclusive evidence of the date on which evidence sufficient to justify proceedings came to his knowledge.

(7) In relation to proceedings in Scotland, subsection 3 of section 331 of the Criminal Proceedings (Scotland) Act 1975(1) (date of commencement of proceedings) shall apply for the purposes of this regulation as it applies for the purposes of that section.